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6 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

7 FRANKIE SUNDANCE LEWIS,
8 a/k/a FRANK SARGENT,

9 Petitioner,

10 v.

11 EASTERN STATE HOSPITAL
12 DOCTORS, MRS.
MARCINKOWSKI, MRS.
BORRAMEO,

13 Respondent.
14

NO. CV-08-110-RHW

**ORDER DENYING MOTION
FOR RECONSIDERATION**

15 On September 11, 2008, the Court dismissed Plaintiff's Amended Complaint
16 for failure to state a claim upon which relief can be granted (Ct. Rec. 14). Now
17 before the court is Plaintiff's handwritten letter dated October 16, 2008, which has
18 been docketed as a Motion for Reconsideration (Ct. Rec. 15). The Court finds that
19 because this motion was filed more than ten days after the entry of judgment
20 dismissing Plaintiff's Complaint, it is untimely and cannot be considered under
21 Fed. R. Civ. Pro. 59(e). The Court thus construes Plaintiff's motion as a Motion for
22 Relief from a Final Judgment under Fed. R. Civ. Pro. 60(b). The Court finds that
23 the motion reiterates the allegations and arguments advanced in Plaintiff's
24 Amended Complaint, but fails to present any new evidence, identify a change in
25 controlling law, or identify any clear error in this Court's entry of judgment. As
26 such, Petitioner's motion fails to satisfy any of the factors necessary for
27 reconsideration. *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir.
28 1993).

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Petitioner's Motion for Reconsideration (Ct. Rec. 15) is **DENIED.**

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
4 Order and forward a copy to Plaintiff..

5 **DATED** this 23rd day of October, 2008.

6 *S/ Robert H. Whaley*

7 ROBERT H. WHALEY
8 Chief United States District Judge

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